

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-8 remain in the application. Claim 1 has been amended.

In the section entitled "Claim Rejections - 35 USC § 102" on page 2 of the above-mentioned Office action, claims 1-8 have been rejected as being anticipated by Hood et al. (US Pat. No. 5,975,081) under 35 U.S.C. § 102(b).

The rejection has been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found, for example, on page 13, lines 9-11 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

A climate-controlled wellness apparatus to be installed in a house, a private home, a hotel, a wellness/fitness center, or the like, comprising:

an equipped accommodation room suitable for temporary and/or long-term living,

Claim 1 of the instant application has been amended in consideration of the Examiner's "Response to Arguments" and to support the arguments presented by Applicant in the previous response dated September 17, 2004.

More specifically, claim 1 has been amended to even more clearly differentiate the invention of the instant application from Hood et al. As now clearly recited in claim 1, the invention of the instant application relates to a climate controlled accommodation room, which is non-transportable and is suitable to be installed in a house, a private home, a hotel, a wellness/fitness center, or the like for temporary and/or long term living and in which a person may stay for a continuous/steady period of time.

As already discussed in the previous response, the subject matter of the invention of the instant application falls under an entirely different technical field/category than the device suggested in Hood et al. The device according to Hood et al. relates to a transportable life support system for transporting, resuscitating, and stabilizing patients who suffer from life-threatening conditions. The device of Hood et al. is by no means suitable to be installed in a house, a private home, a hotel, a wellness/fitness center, or the like and for a person to live in for a continuous/steady period of

time.

Clearly, Hood et al. do not show "a climate-controlled wellness apparatus to be installed in a house, a private home, a hotel, a wellness/fitness center, or the like, comprising: an equipped accommodation room suitable for temporary and/or long-term living," as recited in claim 1 of the instant application.

Claim 1 is, therefore, believed to be patentable over Hood et al. and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-8 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

Applic. No.: 10/629,923
Amdt. Dated March 17, 2005
Reply to Office action of December 17, 2004

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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